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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,082	02/11/2004	Seichi Shinohara	00684.003592	2928
5514	7590	06/28/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			BRASE, SANDRA L	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2852	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,082

Applicant(s)

SHINOHARA ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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***Quayle Action***

1. This application is in condition for allowance except for the following formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Drawings***

2. Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 8b and 8d. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application

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must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the pages of the specification are not presented in a clear manner, where the specification has various copy marks and some letters of some words have partial deletions.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

5. The abstract of the disclosure is objected to because on line 7 of the abstract, "means" should be changed to "device". Correction is required. See MPEP § 608.01(b).

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6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

7. The disclosure is objected to because of the following informalities.

Appropriate correction is required.

On page 3, line 7, “3” should be changed to “8”.

On page 9, line 18, “3” should be inserted after “apparatus”.

On page 11, line 4, “22Bk” should be changed to “22d”.

#### ***Claim Objections***

8. Claim 5 and 9 are objected to because of the following informalities: on line 3 of claim 5, “Is” should be changed to “is”; and on line 2 of claim 9, “500pm” should be changed to “500  $\mu\text{m}$ ” (see table 1, page 27). Appropriate correction is required.

#### ***Allowable Subject Matter***

9. Claims 1-21 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter.

Claims 1-17

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The reason for allowance is a moving means for moving a selected one of the claimed plurality of developing devices to an operative position, wherein each of the developer carrying members is movable selectively to be in contact with or spaced from the image bearing member at the operative position, wherein the apparatus is operable in a first image formation mode in which an image is formed using the plurality of developing devices and a second image formation mode in which an image is formed using one of the plurality of developing devices, and wherein the developer carrying member which is at the operative position in the first image formation mode is capable of being spaced from the image bearing member by a first distance during a non-developing-operation, and the developer carrying member which is at the operative position in the second image formation mode is capable of being spaced from the image bearing member by a second distance during the non-developing-operation, wherein the second distance is smaller than the first distance. The above limitations are contained in claims 1-17, but are not taught or suggested by the prior art of record.

#### Claims 18-21

The reason for allowance is a moving means for moving a selected one the claimed plurality of developing devices to an operative position, wherein each of the developer carrying members is capable of selectively contacting the developer carried thereon to the image bearing member or spacing the developer carried on the developer carrying member from the image bearing member at the operative position; wherein the apparatus is operable in a first image formation mode in which an image is formed using the plurality of developing devices and a second image formation mode in which an image is formed using one of the plurality of

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developing devices, and wherein the developer carried on the developer carrying member which is at the operative position in the first image formation mode is capable of being spaced from the image bearing member by a first distance during a non-developing-operation, and the developer carried on the developer carrying member which is at the operative position in the second image formation mode is capable of being spaced from the image bearing member by a second distance during the non-developing-operation, and wherein the second distance is smaller than the first distance. The above limitations are contained in claims 18-21, but are not taught or suggested by the prior art of record.

### ***Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Munakata et al. (US 5,294,967), Yoshizawa (US 5,640,654), Kimura et al. (US 5,797,069), Maruta et al. (US 5,826,146), Hama (US 5,918,092), Byeon (US 5,991,580), Yamamoto et al. (US 6,201,939) and Maruta et al. (US 6,535,707) disclose a developing device where a developer carrying member is moved between an operative position and non-operative positions.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase  
Primary Examiner  
Art Unit 2852

June 24, 2005